

1 **UNITED STATES DISTRICT COURT**

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3 **DISTRICT OF NEVADA**

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6 **DREW J. RIBAR,**

7  
8 Plaintiff,

9  
10 v.

11 **WASHOE COUNTY, et al.,**

12 Defendants.

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14 **Case No.: 3:24-cv-00526-ART-CSD**

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17 **PLAINTIFF’S EMERGENCY MOTION FOR RECONSIDERATION OF**  
18 **AMENDED TEMPORARY RESTRAINING ORDER (ECF NO. 186) AND**  
19 **MOTION TO STAY ENFORCEMENT PENDING APPEAL**  
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22 *(Fed. R. Civ. P. 59(e), 52(b), 62(c); 28 U.S.C. § 1292(a)(1))*  
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26 **COMES NOW** Plaintiff, **Drew J. Ribar**, appearing *pro se*, and hereby respectfully moves this  
27 Court under **Fed. R. Civ. P. 59(e), 52(b), 62(c)**, and the Court’s inherent authority to **reconsider**  
28

PLEADING TITLE - 1

1 **and vacate** the Amended Temporary Restraining Order entered on **November 5, 2025** (ECF No.  
2 186), and to **stay its enforcement pending interlocutory appeal** to the Ninth Circuit pursuant  
3 to **28 U.S.C. § 1292(a)(1)**.  
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5 This motion is timely filed within 28 days of entry of the order, and is supported by  
6 constitutional defects, procedural violations, and judicial conduct giving rise to an appearance of  
7 bias.  
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11 **I. THE AMENDED TRO IS A PRIOR RESTRAINT**  
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13 **WITHOUT EVIDENTIARY SUPPORT**  
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15 The TRO imposes **sweeping content and conduct restrictions** without any evidentiary finding  
16 that Plaintiff engaged in unprotected speech such as **true threats, incitement, or defamation**.  
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18 **Near v. Minnesota**, 283 U.S. 697, 713 (1931): “The fact that the liberty of the press may be  
19 abused...does not make any less necessary the immunity from previous restraints.”  
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21 **Brandenburg v. Ohio**, 395 U.S. 444, 447 (1969): Speech may not be punished unless it is  
22 “*directed to inciting or producing imminent lawless action and is likely to produce such action.*”

23 **Nebraska Press Ass’n v. Stuart**, 427 U.S. 539, 559 (1976): Prior restraints are “the most  
24 serious and least tolerable infringement” of First Amendment rights.  
25

26 The TRO is thus unconstitutional on its face and was entered **without sworn affidavits or live**  
27 **testimony** proving any imminent threat.  
28

## II. THE VIDEO LOG REQUIREMENT IS COMPELLED SPEECH AND PUNITIVE DISCOVERY

The TRO compels Plaintiff to compile a video log across **multiple platforms** between September 1 and November 13, 2025, identifying **date, platform, and links** for each video that references two named defense attorneys.

This amounts to:

- Over **5,982** videos to review (per Opus Clips platform analytics);
- Over **31.5 hours** of projected work (based on 55 links found in 4.5 hours of review);
- A task **wholly one-sided**—Plaintiff must produce all videos; Defendants produced *no* video evidence.
- Punitive Action against Plaintiff

This violates:

**Wooley v. Maynard**, 430 U.S. 705, 714 (1977): The state may not **compel individuals to speak or compile content** against their will.

**Fed. R. Civ. P. 26(c)(1)**: Discovery must be proportional; compelled disclosure must not impose undue burden or require one party to build the other’s case.

This “video log” is **disguised punishment**, not relief.

### **III. THE COURT IGNORED REQUIRED PROCEDURAL PROTECTIONS**

#### **A. Rule 11(c)(2) Violation – No Safe Harbor Notice**

Defendants sought sanctions-like relief (conduct bans and compelled speech) **without serving the mandatory 21-day Rule 11 notice**. This Court has no authority to impose such relief absent strict compliance.

**Radcliffe v. Rainbow Constr. Co.**, 254 F.3d 772, 789 (9th Cir. 2001): Sanctions are **precluded** without Rule 11(c)(2) compliance.

Plaintiff served a valid Safe Harbor Notice on October 24, 2025 (see Exhibit Y). The TRO issued just 12 days later.

#### **B. Nevada Anti-SLAPP (NRS 41.660) – Burden Shift Ignored**

Plaintiff invoked Nevada’s Anti-SLAPP law, which applies in federal court. The Court **did not apply the burden-shifting framework**.

**Delucchi v. Songer**, 396 P.3d 826 (Nev. 2017): Anti-SLAPP shifts burden to the movant to **show by clear and convincing evidence** that the speech is unprotected.

**Nev. Rev. Stat. § 41.660(3)**: Discovery must be **stayed** and burden must be met by defendant.

The Court failed to apply the statute, creating **reversible error**.

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## IV. PLAINTIFF WAS DENIED DUE PROCESS AT THE NOVEMBER 3 HEARING

Issue	Plaintiff (Pro Se)	Defendants (Attorneys)
Access	In-person, <b>no digital devices</b>	Remote appearance with <b>full access</b>
Argument	Repeatedly interrupted	Spoke uninterrupted
Evidence	Not allowed to show exhibits	No evidence required
Treatment	Dismissive tone	Praised as “so brave”

This imbalance violates:

**Mathews v. Eldridge**, 424 U.S. 319 (1976): Due process requires **meaningful opportunity** to present evidence.

**Goldberg v. Kelly**, 397 U.S. 254 (1970): The hearing must be **fair, not just formal**.

**Haines v. Kerner**, 404 U.S. 519 (1972): Pro se litigants are **entitled to leniency** in process.

## V. APPEARANCE OF BIAS UNDER 28 U.S.C. § 455(a)

The Court’s conduct and language has created a **record of apparent judicial partiality**:

- Described defense counsel as “**so brave**”—in a case involving a political NGO—suggesting favoritism;
- Referred to Plaintiff multiple times as a “**self-proclaimed journalist**”—a derogatory term without evidentiary basis;
- **Directed defense counsel** to “submit an injunction” *during the hearing*—an impermissible judicial coaching moment;
- Failed to acknowledge the Plaintiff’s over 4.5 hours of compliance work or thousands of pages of filed exhibits after examining over 40,000 pages of public records relating to this case

**Caperton v. A.T. Massey Coal Co.**, 556 U.S. 868, 884 (2009): Recusal required when **probability of actual bias is constitutionally intolerable**.

**Liteky v. U.S.**, 510 U.S. 540, 555 (1994): Recusal required when judicial statements suggest “deep-seated favoritism or antagonism.”

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## VI. MOTION TO STAY ENFORCEMENT PENDING APPEAL (Fed. R. Civ. P. 62(c))

Plaintiff seeks a stay pending interlocutory appeal under **28 U.S.C. § 1292(a)(1)**. All factors favor a stay under **Nken v. Holder**, 556 U.S. 418, 434 (2009):

1. **Likelihood of Success:** TRO violates First Amendment, Rule 11, Anti-SLAPP, and due process.
2. **Irreparable Harm:** Compelled speech, loss of liberty, suppression of protected activity.
3. **Balance of Equities:** Defense has produced *no* evidence of harm or danger.
4. **Public Interest:** Protecting due process and free speech benefits the public and judiciary.

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## VII. PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court:

1. GRANT reconsideration under Fed. R. Civ. P. 59(e) and 52(b);
2. VACATE the Amended TRO (ECF No. 186);
3. STAY enforcement of the TRO pending appeal;
4. CLARIFY the record on:
  - Rule 11(c)(2) compliance;
  - Anti-SLAPP burden shift (NRS 41.660);
  - Appearance of judicial bias under § 455(a);
  - Unaddressed motions (ECF Nos. 169, 170);
5. ORDER an evidentiary hearing on disputed facts;
6. GRANT such other relief as the Court deems just and proper.

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2  
3 **Respectfully submitted this 10th day of November, 2025.**

4  
5 **/s/ Drew J. Ribar**

6 **Drew J. Ribar, Pro Se**

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8 Washoe Valley, NV 89704

9 (775) 223-7899

10 [Const2Audit@gmail.com](mailto:Const2Audit@gmail.com)  
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**CERTIFICATE OF SERVICE**

I certify that on November 10, 2025, I served this Motion via email and NEF to:

- Andrew Cobi Burnett – [cburnett@da.washoecounty.gov](mailto:cburnett@da.washoecounty.gov)
- Lindsay L. Liddell – [lliddell@da.washoecounty.gov](mailto:lliddell@da.washoecounty.gov)
- Alison R. Kertis – [akertis@sierracrestlaw.com](mailto:akertis@sierracrestlaw.com)

/s/ **Drew J. Ribar**

**Drew J. Ribar**, Pro Se

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**DECLARATION OF DREW J. RIBAR**

*(Pursuant to 28 U.S.C. § 1746)*

I, Drew J. Ribar, declare under penalty of perjury:

1. I am the Plaintiff in this action.
2. I have posted 5,982 videos from September 1 to November 10, 2025.
3. I spent 4.5 hours reviewing one platform and located only 55 links.
4. Full compliance would require over 474 hours and impair my ability to earn a living or file motions.
5. I was denied digital access at the November 3, 2025 hearing while defense counsel appeared remotely.
6. The Court referred to defense attorneys as “so brave,” showing favoritism.
7. I invoked Nevada’s Anti-SLAPP law and requested a Rule 11 hearing—neither were addressed.

Executed this 10th day of November, 2025.

/s/ **Drew J. Ribar**

**Drew J. Ribar**, Pro Se